



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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May 10, 2006

TO: Washington State Board of Health Members

FROM: Mike Shelton, Vice Chair

**SUBJECT: REQUEST FOR DELEGATION, CHAPTER 246-290 WAC:
GROUP A PUBLIC WATER SUPPLIES**

Background and Summary

The Washington State Board of Health has authority under RCW 43.20.050(2)(a) to adopt rules to protect public health concerning the design and construction of public drinking water system facilities. The Board has adopted requirements for larger public drinking water systems (Group A) under chapter 246-290 WAC. These rules must be at least as stringent as U.S. Environmental Protection Agency (EPA) rules for the state to retain its current primacy role for enforcing federal requirements under the Safe Drinking Water Act.

In January 2006, the EPA adopted additional drinking water system rules called the Stage 2 Disinfectants and Disinfection Byproducts Rule and the Long Term 2 Enhanced Surface Water Treatment Rule (LT2). These rules are designed to protect the public by reducing exposure to water disinfectants and their byproducts and increase protection against *Cryptosporidium*. States must adopt rules equivalent to these federal rules within two years to maintain primacy for enforcement.

The Department of Health (DOH) is requesting that the Board delegate to it authority for this proposed rule revision. Delegation to DOH for these rule changes would meet the Board's policy for delegation adopted in 2000: (1) proposed changes might include editing the federal rules for clarity without changing the provisions; (2) the state has little discretion in this rule making because new requirements are federally mandated; (3) the regulated community supports state adoption of the requirements to maintain state primacy; (4) policy changes would be limited to federal requirements; and (5) stakeholders will be involved through the legislatively created Washington Water Supply Advisory Committee.

Denise Clifford, Director of the DOH Office of Drinking Water, is here to explain this DOH request for limited delegation of rule making. Please refer to materials behind Tab 6.

Recommended Board Action

I recommend the Board consider the following motion:

The Board delegates to the Department of Health authority to adopt a revision to chapter 246-290 WAC for the sole purpose of incorporating provisions compatible with the Stage 2 Disinfectants and Disinfection Byproducts Rule and the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) of the US Environmental Protection Agency for Group A public water supplies.